

REMARKS

1. Minor corrections have been made to the specification. Claims 1-7, 10, 13, 17, 26-28, 33, 36, 38, and 44-46 have been amended. New claims 47-61 have been added.

Reexamination and reconsideration of the application as amended are requested.

2. Rejections based on 35 U.S.C. 103(a) - Sloane in view of Brill et al.

Claims 1-3, 9-15, 19-23, 26-30, 32-44, and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (U.S. Patent No. 5,619,991), in view of Brill et al. (U.S. Patent No. 5,299,121).

The Examiner stated that it would have been obvious to one in the art to combine the inventions of Sloane with Brill et al. The Examiner further stated (at page 3, lines 1-4 of the Official Action) that Sloane does *not* disclose a remote interface means for entering in the server a set of queries to be answered by the individual, a remotely programmable apparatus for interacting with the individual, and a script generating means for generating a script program from the set of queries. In contradiction, the Examiner further stated (at page 2, lines 3-4 of item 2. of the Official Action) that Sloane does disclose a remotely programmable apparatus for interacting with the individual.

Applicant teaches a system and method for monitoring an individual. The system of Applicant comprises a server including a script generating means for generating a script program, a remote interface in communication with the server, and a remotely programmable apparatus for interacting with the individual, wherein the apparatus is in communication with the server via a communication network.

Sloane teaches a method for use by a medical office, wherein electronic data communications between a patient's physician and one or more entities can contribute to the patient's diagnosis and/or treatment; the method is initiated by receiving symptom information from a patient. While Brill et al. teaches a system for use in pharmacies which uses customer inputs to a personal computer to assist the customer with the selection of a non-prescription medication.

However, there is no indication that Sloane teaches a database means connected to a script generating means, the script generating means for generating a script program from a set of queries, wherein the set of queries are entered in a server via a remote interface means, and the script program is executable by a remotely programmable apparatus to communicate the queries to the individual, to receive the responses to the queries, and to transmit the responses from the apparatus to the server.

Instead, the method of Sloane begins with a patient call to a doctor's computer (col. 3, lines 50-52). Thereafter, the system disclosed by Sloane prompts the caller for symptoms and, following an internal logic tree, asks follow-up questions.

Sloane further discloses the patient being directed to a diagnostic center or local medical facility to obtain tests and/or inoculations (see, e.g., col. 5, line 66 through col. 6, line 2). Similarly, Sloane discloses the patient being instructed to proceed to a doctor's office or hospital for physical examination (col. 4, line 67, through col. 5, line 6). In contrast, Applicant's claim 1 recites a system for *remotely* monitoring an individual, and Applicant's claim 14 recites a method for *remotely* monitoring an individual. Thus, it would appear that Sloane teaches away from Applicant's invention.

Brill et al. does not disclose communicating a script program to an individual over a communication network, nor the execution of a script program (as taught by Applicant) by the computer of Brill et al.

Further, the system of Brill et al. is designed as a self-contained unit (a PC with a knowledgebase and a printer), which is designed to avoid professional input (e.g., from a pharmacist; refer to col. 1, lines 9-19). In contrast, Applicant's invention calls for entering (in entry fields of a screen) a set of queries to be answered by a

patient (see, e.g., page 12, line 21 through page 13, line 15), and for selecting script programs to be assigned to patients, and patients to whom the script programs are to be assigned (see, e.g., the specification at page 15, line 23 through page 16, line 5).

For example, Applicant's claims 1 recites a remote interface means for entering in the server a set of queries to be answered by the individual, the set of queries communicated to the individual by a script program. Similarly, Applicant's claim 14 recites communication means for exchanging a script program with a server through a communication network, wherein the script program is executable to, *inter alia*, communicate queries to an individual. Applicant's claim 27 recites a remote interface connected to the server for specifying a message to be communicated to the individual, the server including means for generating a script program to communicate a message to the individual. Applicant's claim 37 recites providing an apparatus having communication means for exchanging a script program with a server through a communication network, wherein the script program is executable to communicate a message to an individual, and entering in the server the message to be communicated to the individual.

In contrast to Applicant's invention, Brill et al. discloses that the logic of the knowledgebase itself determines which questions are asked of the customer (e.g., col. 1, lines 44-47).

Regarding claims 1, 14, 27, and 37, neither Sloane nor Brill et al, taken singularly or in combination, teach or suggest the specific combination recited in claims 1, 14, 27, and 37 of Applicant. Applicant submits that claims 1, 14, 27, and 37 each define an invention which is unobvious over Sloane in view of Brill et al.

Claims 2, 15, 29, and 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane in view of Brill et al.

The Examiner stated that Sloane discloses the server comprises a web server having a web page for entry of queries, and the remote interface is connected to the web server via the Internet.

Claims 2, 15, 29, and 39 depend directly from claims 1, 14, 27, and 37 respectively.

Each of claims 2, 15, 29, and 39 include the additional limitation of the server as comprising a web server.

Sloane and Brill et al., taken in combination, fail to teach or suggest the specific combination recited in claims 2, 15, 29, and 39. Applicant submits that claims 2, 15, 29, and 39 each define an invention which is unobvious over Sloane in view of Brill et al.

Claims 3, 23, 30, and 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane in view of Brill et al.

The Examiner stated that Sloane discloses the user interface means comprises a display for displaying queries, user input buttons for entering the responses and displaying messages.

Claims 3, 23, 30, and 44 depend directly from claims 1, 14, 27, and 37, respectively.

Each of claims 3, 23, 30, and 44 include the additional limitation of the user interface means as comprising a display.

Sloane and Brill et al., taken in combination, fail to teach or suggest the specific combination recited in claims 3, 23, 30, and 44. Applicant submits that claims 3, 23, 30, and 44 each define an invention which is unobvious over Sloane in view of Brill et al.

Claims 9, 19, 32, and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane in view of Brill et al.

Claims 9, 19, 32, and 40 depend directly from claims 1, 14, 27, and 37, respectively.

Each of claims 9, 19, 32, and 40 include the additional limitation of the script program as specifying a connection time at which to establish a subsequent communication link to the server. In this regard, please note that according to Applicant's invention, a subsequent connection time, e.g., when communication rates are low, may be specified in a connection time field of the script entry screen (see, for example, page 13, lines 5-10 of the specification).

Sloane and Brill et al., taken in combination, fail to teach or suggest the specific combination recited in claims 9, 19, 32, and 40. Applicant submits that claims 9, 19, 32, and 40 each define an invention which is unobvious over Sloane in view of Brill et al.

The Examiner stated that Sloane discloses means for establishing a first communication link to the server to receive the script program and means for establishing a subsequent communication link to the server to transmit the responses, but does not specifically disclose the script program specifying a connection time at which to establish the subsequent communication link. The Examiner further asserted that it would be obvious that in a service based business a final remark would disclose a salutation to use the service again, such as "come back anytime".

Applicant submits that, in one sense at least, come back anytime is the antithesis of *specifying* a connection time at which to establish a subsequent communication link.

If, however, the Examiner is relying on personal knowledge of a script program specifying a time for establishing a subsequent communication link to a server in the context of Applicant's invention, Applicant respectfully requests an affidavit from the Examiner stating the same.

Claims 10-12, 20-22, 33-35, and 41-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane in view of Brill et al.

The Examiner stated that Brill et al. discloses the apparatus comprises notification means for notifying the individual that unanswered queries are stored in the apparatus.

Claims 10-12, 20-22, 33-35, and 41-43 depend directly or indirectly from claims 1, 14, 27, and 37, respectively.

Each of claims 10-12 and 33-35 include the additional limitation of the remotely programmable apparatus as comprising a notification means. Each of claims 20-22 include the additional limitation of notifying the individual when unanswered queries are stored in the apparatus.

Sloane and Brill et al., taken in combination, fail to teach or suggest the specific combination recited in claims 10-12, 20-22, and 33-35. Applicant submits that claims 10-

12, 20-22, and 33-35 each define an invention which is unobvious over Sloane in view of Brill et al.

Each of claims 41-43 include the additional limitation of notifying the individual when a new message has been received in the apparatus.

With regard to claims 41-43, the system of Brill et al. does not include new messages. Instead, the system of Brill et al. includes a knowledgebase that determines which questions are asked of the customer.

Sloane and Brill et al., taken in combination, fail to teach or suggest the specific combination recited in claims 41-43. Applicant submits that claims 41-43 each define an invention which is unobvious over Sloane in view of Brill et al.

Claims 13, 26, 36, and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane in view of Brill et al.

The Examiner stated that it is obvious that a server setup for Internet access has a plurality of remotely programmable apparatuses in communication with a server.

Claims 13, 26, 36, and 46 depend directly from claims 1, 14, 27, and 37, respectively.

Each of claims 13, 26, 36, and 46 include the additional limitation of a plurality of remotely programmable apparatuses for a corresponding plurality of individuals.

In contrast, the plurality of apparatuses cited by the Examiner as disclosed by Sloane (201, 191, 181, 171, 151, etc.) do not correspond to a plurality of individuals.

Furthermore, neither Sloane nor Brill et al. teach downloading script programs from a server over a communication network, nor script assignment means for assigning specific script programs to specific individuals.

Sloane and Brill et al., taken in combination, fail to teach or suggest the specific combination recited in claims 13, 26, 36, and 46. Applicant submits that each of claims 13, 26, 36, and 46 define an invention which is unobvious over Sloane in view of Brill et al.

Claims 28 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane in view of Brill et al.

The Examiner stated that it would have been obvious to use the server to include a database means connected to the script generating means for storing data relating to an individual, wherein the script generating means includes means for inserting data into a script program to customize a message to the individual.

Claims 28 and 38 depend directly from claims 27, and 37, respectively.

Each of claims 28 and 38 include the additional limitation of inserting data into a script program to customize a message to an individual.

Neither Sloane nor Brill et al. teach script programs as taught by Applicant, nor the insertion of data into a script program to customize a message to a specific individual.

Sloane and Brill et al., taken in combination, fail to teach or suggest the specific combination recited in claims 28 and 38. Applicant submits that claims 28 and 38 each define an invention which is unobvious over Sloane in view of Brill et al.

3. Rejections based on 35 U.S.C. 103(a) - Sloane and Brill et al. in view of Kirk et al.

Claims 4-5, 24-25, 31, and 45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane and Brill et al. in view of Kirk et al.

Regarding claims 4, 24, 31, and 45, the Examiner stated that Kirk et al. discloses the user interface means includes a speech synthesis means for audibly communicating the

queries to the individual; and that it would be obvious to combine the inventions of Sloane and Brill et al. in view of Kirk et al. to maintain a health support system for remotely monitoring an individual.

Claims 4, 24, 31, and 45 depend directly from claims 1, 14, 27, and 37, respectively.

Furthermore, each of claims 4, 24, 31, and 45 include the additional limitation of the user interface means as comprising a speech synthesizer or a speech synthesis means.

Neither Sloane nor Brill et al. teach or suggest a user interface having a speech synthesizer or speech synthesis means. Thus there is no basis for combining Sloane or Brill et al. with the Kirk et al. reference.

Sloane and Brill et al., taken in combination with Kirk et al., fail to teach or suggest the specific combination recited in claims 4, 24, 31, and 45. Applicant submits that claims 4, 24, 31, and 45 each define an invention which is unobvious over Sloane and Brill et al. in view of Kirk et al.

Regarding claims 5 and 25, the Examiner stated that Kirk et al. discloses the user interface means includes a speech recognition means for receiving spoken responses to the queries, and that it would be obvious to combine the inventions of Sloane and Brill et al. in view of Kirk et al.

to maintain a health support system for remotely monitoring an individual.

Claims 5 and 25 depend directly from claims 1, and 14, respectively.

Each of claims 5 and 25 include the additional limitation of the user interface means as including a speech recognizer or a speech recognition means.

Neither Sloane nor Brill et al. teach or suggest a user interface having a speech recognition means or a speech recognizer. Once again, there is no suggestion or basis for combining the references of Sloane or Brill et al. with Kirk et al.

Sloane and Brill et al., taken in combination with Kirk et al., fail to teach or suggest the specific combination recited in claims 5 and 25. Applicant submits that claims 5 and 25 each define an invention which is unobvious over Sloane and Brill et al. in view of Kirk et al.

4. Rejections based on 35 U.S.C. 103(a) - Sloane and Brill et al. in view of Alyfuku et al.

Claims 6-8 and 16-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane and Brill et al. in view of Alyfuku et al.

Regarding claims 6 and 16, the Examiner stated that it would be obvious to combine the inventions of Sloane, Brill et al. and Alyfuku et al. to maintain an efficient system that would monitor a patient from a remote location from multiple testing and measuring instruments.

Alyfuku et al. teaches a health care monitoring system capable of detecting and monitoring vital signs *passively* during the course of day-to-day living activities without causing the individuals to realize measurement (col. 3, lines 21-31).

In contrast, Applicant teaches active input by the individual being monitored, e.g., using input buttons.

Also, in the system of Alyfuku et al. testing and measurement instruments are disclosed as being associated with household appliances so as to sample and monitor vital data each time the household appliances are used. Whereas Applicant teaches connecting monitoring devices such as blood glucose meters, respiratory flow meters, blood pressure cuffs, electronic weight scales, and pulse rate monitors, to an individual's remotely programmable apparatus for providing measurements of the individual's physiological state.

Claims 6 and 16 depend directly from claims 1 and 14, respectively.

Furthermore, claim 6 includes the additional limitation of the system further comprising at least one monitoring device for producing measurements of a physiological condition of the individual. While claim 16 includes the additional limitation of the apparatus provided to an individual as comprising a device interface for receiving from a monitoring device measurements of a physiological condition of the individual.

Sloane and Brill et al., taken in combination with Alyfuku et al., fail to teach or suggest the specific combination recited in claims 6 and 16. Applicant submits that claims 6 and 16 each define an invention which is unobvious over Sloane and Brill et al. in view of Alyfuku et al.

Regarding claims 7 and 17, the Examiner stated that Alyfuku et al. discloses a plurality of monitoring devices, and that Brill et al. discloses the script program specifies a selected monitoring device from which to collect measurements.

Applicant submits that Brill et al. does not disclose a script program specifies a selected monitoring device from which to collect measurements.

The Examiner further stated that it would be obvious to combine the inventions of Sloane and Brill et al. in view of Alyfuku et al. to maintain an efficient system that would

monitor a patient from a remote location from multiple testing and measuring instruments.

Claims 7 and 17 depend directly from claims 6, and 14, respectively.

Furthermore, each of claims 7 and 17 include the additional limitation of the script program as specifying a selected monitoring device from which to collect the measurements of a physiological condition of the individual.

Neither Sloane, Brill et al., not Alyfuku et al., taken singularly or in combination, teach or suggest a script program specifying a selected monitoring device from which to collect the measurements of a physiological condition of the individual.

Sloane and Brill et al., taken in combination with Alyfuku et al., fail to teach or suggest the specific combination recited in claims 7 and 17. Applicant submits that claims 7 and 17 each define an invention which is unobvious over Sloane and Brill et al. in view of Alyfuku et al.

Regarding claims 8 and 18, the Examiner stated that Sloane discloses the server includes a report means for displaying the responses and the measurements on the remote interface means, and that it would be obvious that the E-doc of Sloane's reference would read a report on a patient from

either the computer or a print out generated from the computer.

Claims 8 and 18 depend directly from claims 6, and 16, respectively.

Claims 6 and 16 each recite, for example, the apparatus (provided to the individual) as having a device interface connected to the processor means for receiving from a monitoring device measurements of a physiological condition of the individual.

In contrast, Sloane teaches a patient's apparatus as being a personal computer (e.g., col. 3, line 51), and for the patient to proceed to a diagnostic center or local lab. to obtain the necessary tests and/or inoculations (e.g., col. 5, line 66 through col.6, line 2).

Sloane, taken singularly, or in combination with Brill et al. and/or Alyfuku et al., fails to teach or suggest the specific combination recited in claims 8 and 18. Applicant submits that claims 8 and 18 each define an invention which is unobvious over Sloane, Brill et al. and Alyfuku et al.

5. It is submitted that the claims are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of the claims at an early date is solicited.

A check in the amount of \$174.00 (small entity status) is attached hereto to cover the cost of the additional claims added to the application in this response.

If the Examiner feels that an interview would expedite prosecution of this application, please feel free to call the undersigned.

Respectfully submitted,



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